

\*  
TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

\* given name

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: Complaint against Mr. Mark Hardee

DATE: 05/11/2014 07:46:31 PM

- COPY -

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2014 MAY 16 AM 11 32  
STEPHAN HARRIS, CLERK  
CHEYENNE

TO:

Wyoming State Bar

P.O. Box 109

Cheyenne 82003

Wyoming, USA

RE: proceeding In Propria Persona, not "Pro Se" and not "represented"

Greetings Wyoming State Bar:

Please supplement my formal Complaint against attorney Mark Hardee with all of the following:

I am writing to explain, once again, and to all whom it may concern, that I have been proceeding In Propria Persona, not "Pro Se" and not "represented by" any licensed attorney(s).

"Se" is a neuter Latin pronoun which means "it" in English. Thus, "Pro Se" means "For It" in English. I am not an "it"; I am a human being.

Neuter Latin pronouns are never appropriate to refer to human beings: I studied Latin for 5 1/2 years, so I know what I am talking about here.

I am not now legally represented, and I have never been legally represented, by anyone else in the case of USA v. Hill et al., #2:14-CR-00027-NDF-2, USDC/DWY (Cheyenne, Wyoming). ✓

PH

I have always appeared "In Propria Persona" in that case. In English, this means "In my Proper Person". Proceeding in this manner is my right under 28 U.S.C. 1654 ("personally or by counsel").

In light of the above, a serious error occurs in the docket records where that docket incorrectly identifies me as "represented by" Mr. Mark C. Hardee. This error must be corrected immediately, because it is now causing many serious problems.

Please allow me to elaborate:

Pleadings being filed by the "government" are being forward electronically to Mr. Hardee, but he has failed to forward any of those pleadings on to me: as such, I have had absolutely no opportunity to review ANY of the pleadings that may have been filed in response to my two (2) MOTIONS TO DISMISS.

Similarly, during the second "psychological evaluation", I was shown what appeared to be a court "order"; but, I was never provided with any motion, any notice of any motion, any notice of any hearing, nor was I allowed to attend any hearing on any such motion, for an order authorizing a second "psychological evaluation".

There can be no doubt that Mr. Hardee already knew I have been proceeding In Propria Persona, chiefly because he attended the 2-hour hearing on 3/21/2014, at which Ms. Freudenthal tried repeatedly to persuade me to change my mind and retain a licensed attorney, but I did not budge.

Nevertheless, Mr. Hardee neglected to provide me with any copies of any such pleadings which have been docketed AFTER Docket Entry #55 on 03/20/2014.

Moreover, because of unusually long delays in receiving my records -- no doubt due to the 28 moves I have had to endure since 1/28/2014 -- I did confirm the docket error described above for the first time on 5/10/2014.

Similarly, also on 3/21/2014, I did ask Mr. Hardee to file my second MOTION TO DISMISS, but he never confirmed the filing of same, and he never served me with any courtesy copy(s) of same, for my records.

As of today (5/11/2014), I STILL have no idea how many docket entries were added after #55 filed on 03/20/2014.

Making matters much worse, I recently contacted a law firm to explore the possibility of legal representation. An attorney at that firm examined the docket and concluded -- wrongly -- that I was already "represented" by Mr. Hardee.

As a consequence of that error, said attorney concluded, wrongly, that he would need to apply to the Federal Court for specific authorization to replace Mr. Hardee.

Such an application is totally unnecessary because, on 3/21/2014 I expressly reserved my right to change my mind about formal legal representation, pursuant to 28 U.S.C. 1654.

At a minimum, someone needs to notify the Clerk's Office at the USDC in Cheyenne, Wyoming, of the docket error identifying me as "represented by" Mr. Hardee.

Mr. Hardee has never "represented" me, particularly after I formally terminated his services as "stand-by counsel" in my NOTICE OF TERMINATION: a copy of the latter NOTICE has already been mailed to you by me.

I have not received minimally adequate "assistance of Counsel" from Mr. Hardee, as the latter term occurs in the Sixth Amendment. "Assistance" in that Amendment does NOT necessarily mean legal "representation" nor does it necessarily imply "licensed attorney" or "law clerk" [sic].

"Assistance" still has the same meaning which that term had when the Bill of Rights i.e. first ten Amendments were originally ratified by three-fourths of the several States that existed in the year 1791 A.D.

Thank you for your cooperation and assistance in this matter.

Sincerely yours,  
Paul Andrew Mitchell, B.A., M.S. (chosen name)  
Co-Defendant, Relator In Propria Persona, and Private Attorney General:  
18 U.S.C. 1964, Rotella v. Wood, 528 U.S. 549 (2000)  
All Rights Reserved (cf. UCC 1-308)





FEDERAL DETENTION CENTER

NAME: MODELESKI, M.P. (given name)

REG: 44202-086 UNIT: DC

P.O. BOX 13900

SEATTLE, WA. 98198-1090

SEATTLE WA 981

12 MAY 2014 PM 1 L



Courtesy Copy

Re:

#2:14-CR-00027-NSF-J

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(cf. VCC 1-308)

To: Office of Presiding Judge  
District Court of the United States

2120 Capitol Avenue

Cheyenne 82001

Wyoming, USA

82001

8200133633



Authority: 28 U.S.C. 1654, Johnson v. Zerbst  
(absent effective assistance of Counsel, a Federal  
Court is OUSTED of jurisdiction)